

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7456**

**BILL NUMBER:** HB 1266

**DATE PREPARED:** Dec 30, 2000

**BILL AMENDED:**

**SUBJECT:** Nonsmoking Break Rooms for Employees.

**FISCAL ANALYST:** Sherry Fontaine

**PHONE NUMBER:** 232-9867

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that if an enclosed employee lounge or break room is provided or made available to employees by an employer, it must be designated and posted as a nonsmoking area. The bill provides that if more than one enclosed employee lounge or break room is provided for employees by an employer, there must be at least the same number of enclosed nonsmoking employee lounges or break rooms as those in which smoking is permitted. It provides that a person who smokes in an enclosed employee lounge or break room that is posted and designated as a nonsmoking area commits a Class B infraction, and enhances the penalty to a Class A infraction in some circumstances. The bill also provides that an employer who fails to furnish nonsmoking areas in the manner prescribed commits a Class A infraction.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** This bill establishes Class B and Class A infractions. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class A infraction is \$10,000 which is deposited in the state General Fund. The maximum judgment for a Class B infraction is \$1,000 which is also deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law

enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**